

In The Matter Of:

S. STEVEN MAESE

v.

SOUTH JORDAN CITY

Case No. 2:21-cv-0562-DBB-CMR

Travis Kaer

March 2, 2022



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S. STEVEN MAESE v.
SOUTH JORDAN CITY

Travis Kaer
March 2, 2022

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

S. STEVEN MAESE,)	
)	
Plaintiff,)	
)	Case No. 2:21-cv-0562-DBB-CMR
vs.)	
)	District Judge:
SOUTH JORDAN CITY,)	Howard C. Nielson, Jr.
OFFICER JOHNNY)	
SERRANO, OFFICER)	Magistrate Judge:
ANDREW THOMPSON, AND)	Cecelia M. Romero
OFFICER DOES 1-10,)	
)	
Defendants.)	

VIDEOCONFERENCE DEPOSITION OF: SERGEANT TRAVIS KAER

MARCH 2, 2022

12:32 P.M. TO 1:15 P.M.

Witness Location:
1600 West Towne Center Drive
South Jordan, Utah 84095

Reporter: Jill S. Nielsen, RPR, Notary Public

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1 APPEARANCES

2 PRO SE:

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(Appearing via videoconference)
6

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13 ALSO PRESENT:

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18 ALSO PRESENT:

19 Libby Lowther (Appearing via videoconference)
20
21
22
23
24
25

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EXHIBITS

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(Exhibit 2 provided electronically to the court
reporter.)

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1 P R O C E E D I N G S

2 SERGEANT TRAVIS KAER,

3 having been first duly sworn to tell the truth,

4 testified as follows:

5 EXAMINATION

6 BY MR. MAESE:

7 Q. All right, sir. Would you please state
8 your name and position. And would you spell your
9 name, please, as well.

10 A. Yeah. My name is Travis Kaer. Last
11 name is spelled K-a-e-r. I am a police sergeant for
12 the City of South Jordan in the patrol division.

13 Q. Perfect.

14 Do you remember the evening of
15 September 25, 2019?

16 A. Yes.

17 Q. Can you tell me what you were doing
18 that evening?

19 A. I was the shift sergeant for the
20 graveyard shift.

21 Q. All right. And were there any cases
22 that stood out in your mind that night?

23 A. There were several cases that night, as
24 there usually is.

25 Q. All right. Was there a case at

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1 3892 West Coastal Dune Drive in West Jordan that
2 you remember?

3 **A. Yes.**

4 Q. Tell me what happened.

5 **A. I responded to a report --**

6 MR. YOUNG: Hold on. Objection.

7 Vague.

8 You can answer.

9 **A. I responded to a report of a domestic**
10 **where other officers had been assigned.**

11 Q. (BY MR. MAESE) And when you came upon
12 this scene, what did you see? What did you observe?

13 **A. At which portion of which part of the**
14 **scene?**

15 Q. When you first -- when you first came
16 on the scene.

17 **A. Well, the first part of the scene**
18 **wasn't at the address. It was at the Holiday Oil --**

19 Q. Okay.

20 **A. -- which is located at about 4000 West**
21 **and 10400 South.**

22 Q. All right. What about when you came to
23 3892 West Coastal Dune Drive? What did you see?

24 **A. As far as when we first arrived?**

25 Q. When you first arrived, correct.

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1 A. The house was darked out. We were
2 setting up a containment around the home so that we
3 could try to make phone contact inside with the male
4 subject, which was you, sir.

5 Q. All right. Where -- where were you
6 positioned?

7 A. I believe I was east of the house and
8 across the street down the road a ways.

9 Q. Okay. And how long were you there?
10 How long did it take to create the containment?

11 A. Oh, I -- I don't know how long the
12 whole thing went down. I don't have any of that
13 information.

14 Q. I know. Just approximately from your
15 recollection. I mean, what do you recall? Was it
16 five minutes? Was it 30 seconds? Was it an hour and
17 a half?

18 A. It -- it was quite a while. I don't
19 know.

20 Q. Okay. During that "quite a while"
21 time, what did you see? What did you observe?

22 MR. YOUNG: Objection. Vague.
23 You can answer.

24 A. I observed the house. The officers
25 were setting up around the home. I had basically

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1 **started trying to make phone calls to your phone.**

2 Q. (BY MR. MAESE) Okay. Did you see any
3 lights on?

4 A. **To be honest with you, I don't recall**
5 **the lighting or anything at the home.**

6 Q. All right. Let me ask you a little bit
7 about your training. Tell me, how are you trained to
8 write reports?

9 A. **As far as the method or how we**
10 **structure the report or --**

11 Q. All of the above.

12 A. **Well, we write, basically, the**
13 **information that we get during the incident.**

14 Q. Are you trained to write your
15 observations?

16 A. **Depending on which part of them are**
17 **pertinent to the position and job assignment I was**
18 **given during the situation.**

19 Q. Okay. Are you trained to document all
20 pertinent observations?

21 A. **That I feel are pertinent at the time,**
22 **yes.**

23 Q. Okay. So if you felt it was pertinent,
24 you would have documented it, correct?

25 A. **Most of the time, yes.**

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1 Q. What times would you see something that
2 is pertinent that you would not document?

3 A. Times that somebody else would feel it
4 more pertinent than I did at the time.

5 Q. No, no. I'm asking you specifically
6 about you. Tell me about times that you observed
7 something that you believed was pertinent but then
8 you decided not to document.

9 A. Oh, I -- I don't know.

10 Q. Has that ever happened? Have you ever
11 observed something pertinent and then decided not
12 document?

13 A. Not decided, no. That would be a
14 conscious decision.

15 Q. Okay. So, consciously, if you observe
16 something and you deem it pertinent, you document it.
17 Would that be a fair statement?

18 A. I think so, yes.

19 Q. Okay. Perfect. So if your report from
20 that evening didn't mention activity in the house, it
21 would be reasonable to say you didn't observe any
22 activity in the house?

23 A. Just me, personally? No, I --

24 Q. Yes, you personally.

25 A. Not specifically. I probably would

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1 **have put something in there. But --**

2 Q. All right.

3 **A. -- if it didn't pertain or if I didn't**
4 **see it, I wouldn't know.**

5 Q. Right, right. And I'm not asking you
6 to speak on behalf of any other officer or anybody
7 else that could possibly have been there. I'm simply
8 asking you for your own personal observations.

9 And that's going to be true of this
10 entire deposition. I'm not going to ask you for what
11 somebody else thought or what somebody else did; I'm
12 just going to ask you about your observations and
13 what you've been trained to do. So --

14 MR. YOUNG: Hey, Steve, can you just
15 make sure and let him finish your answer before you
16 ask the next question? I think you guys are talking
17 over each other a bit.

18 MR. MAESE: If I've done that, I
19 apologize. I firmly believed he was finished with
20 his answer.

21 MR. YOUNG: Go ahead.

22 Q. (BY MR. MAESE) Okay. So during that
23 evening, you were a sergeant on duty, correct?

24 **A. Yes, sir.**

25 Q. Okay. After -- so you didn't -- so you

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1 don't recall exactly specifically that night seeing
2 anything, but if you had seen something, you would
3 have -- and it had been pertinent to you, you would
4 have documented it?

5 **A. Yes, unless I had forgotten what --**
6 **anything little. But --**

7 Q. Okay. Right.

8 THE REPORTER: Excuse me. Excuse me.
9 I just need one at a time, please.

10 MR. MAESE: Okay.

11 **A. My basic actions for the situation**
12 **that were -- that I was doing and dealing with I**
13 **would have tried to document, to the best of my**
14 **recollection, to be able to, you know, renew my own**
15 **memory at a later date if it was time for trial or**
16 **other situations.**

17 Q. (BY MR. MAESE) Have you had an
18 opportunity to review your report from that
19 evening?

20 **A. Yes, I've been through the report.**

21 Q. Okay. So did you -- did you see any
22 time you noted any activity at my house in your
23 report?

24 **A. No, I had -- I don't think I put any**
25 **descriptions of your home inside the report -- my**

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1 **report.**

2 Q. All right. There comes a time when I'm
3 taken into custody and I'm led off. Have you had a
4 chance to review a body cam from that evening?

5 **A. I have reviewed my body cam.**

6 Q. Have you reviewed Officer Serrano's
7 body cam?

8 **A. No.**

9 Q. All right. You don't happen to have --
10 I thought you would be at Scott's office there, so I
11 thought you'd have access to exhibits.

12 You don't happen to have access to
13 what's titled as Defendants' 708, which is Serrano's
14 body cam, do you?

15 **A. No, I don't.**

16 MR. YOUNG: Do you have that, Steve?
17 You can share your screen and show it to him.

18 MR. MAESE: I don't have it -- I'm
19 looking on another computer, so I don't have it on
20 this particular computer. I'm just using this
21 specific computer for Zoom.

22 MR. YOUNG: Okay.

23 MR. MAESE: And it's a large file, so I
24 don't know that I can send it. Let me see.

25 MR. YOUNG: I can probably pull that

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1 up.

2 MR. MAESE: Perfect.

3 MR. YOUNG: Do we want to go off the
4 record for a second?

5 MR. MAESE: Sure, let me go off the
6 record. Let's go off the record.

7 (Discussion off the record.)

8 MR. YOUNG: So let's go on the record.
9 Scott Young for South Jordan.

10 We've pulled up what's marked as
11 Defendants' 705. It's a video. I'm sharing my
12 screen to show that to the group.

13 Can everyone see that?

14 **THE WITNESS: Yes.**

15 MR. YOUNG: Okay. Mr. Maese is asking
16 me to cue it to 20:55, which is reflected down in the
17 bottom left corner.

18 And, Steve, do you want me to just play
19 it?

20 MR. MAESE: If you would, please.

21 (The video was played.)

22 MR. MAESE: Would you pause it, please.

23 MR. YOUNG: (Complied.)

24 Q. (BY MR. MAESE) Sir -- I'm sorry -- is
25 it "Kaer" or is it "Kaer"?

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1 **A. "Kaer," sir.**

2 Q. Sergeant "Kaer." Is that you in the
3 video?

4 **A. Yes.**

5 Q. All right. Perfect. Just wanted to
6 make sure.

7 MR. MAESE: Could you keep playing it
8 for another 30 seconds or so, Scott?

9 MR. YOUNG: Just tell me when you want
10 me to pause it.

11 MR. MAESE: Will do.

12 (The video was played.)

13 MR. MAESE: Pause it.

14 BY MR. YOUNG: (Complied.)

15 Q. (BY MR. MAESE) Okay. That seems to --
16 that appears to be you commanding the other officers
17 to do a sweep of my house; is that correct?

18 **A. Correct.**

19 MR. YOUNG: Object. Let me get in one
20 objection. The video speaks for itself.

21 You can answer.

22 Q. (BY MR. MAESE) As a matter of force,
23 do you order your officers to do protective sweeps at
24 homes?

25 MR. YOUNG: Objection. Vague.

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1 You can answer.

2 **A. You have to define "matter of force."**

3 **I don't think I understand what your question is.**

4 Q. (BY MR. MAESE) Fair enough. Was there
5 any -- so you didn't note any activity in your report
6 of either -- of either lights or sounds from inside
7 my house.

8 Where you have someone that's -- that
9 you arrest at their home, do you normally ask
10 officers underneath you to conduct a protective
11 sweep?

12 MR. YOUNG: Same objection.

13 You can answer.

14 **A. In situations with the totalities that**
15 **this one's shown, for the safety of the public and**
16 **officers and anyone else, the home was part of a**
17 **crime scene, and we did a protective sweep and**
18 **verified and made sure we had no other people inside**
19 **the home.**

20 Q. (BY MR. MAESE) Okay. I'm glad you
21 brought that up. Tell me about your training as far
22 as crime scenes are concerned. Are you trained not
23 to disturb crime scenes?

24 MR. YOUNG: Objection. Vague.

25 You can answer.

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1 **A. I'm trained to save lives and to take**
2 **care of people first, and then to work through a**
3 **crime scene and to do the best to preserve or**
4 **document anything that might be disturbed that would**
5 **be part of the crime scene; or to identify to**
6 **investigators later, if necessary, anything that we**
7 **did while on scene, which body cameras are wonderful**
8 **for.**

9 Q. (BY MR. MAESE) Okay. But you are
10 trained to preserve crime scenes?

11 **A. To the best we can for the saving of**
12 **lives.**

13 Q. Okay. What lives were you saving when
14 you entered my home?

15 **A. We did not know at that time.**

16 Q. So you had no -- you had no reason to
17 believe that there was another -- another person in
18 the home?

19 **A. We had no reason to believe there**
20 **wasn't.**

21 Q. Right, but you had no reason to believe
22 there was either. I can conceive that you had an
23 absence of facts all the way around.

24 MR. YOUNG: Objection. Calls for a
25 legal conclusion.

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1 You can answer.

2 **A. Pretty much with anything we have, we**
3 **did not have any answers, and that was part of the**
4 **reason, so that we can make sure that we have -- make**
5 **sure everybody was okay and the situation would be**
6 **secure and safe.**

7 Q. (BY MR. MAESE) Did you have any reason
8 to believe that anyone was inside the home?

9 MR. YOUNG: Same objection.

10 You can answer.

11 **A. I guess it comes back to the answer I**
12 **kind of already said, and I didn't have any reason to**
13 **believe that there wasn't already. In fact, due to**
14 **the totalities and some of the situation from the**
15 **beginning to this point, it led to many concerns.**

16 Q. (BY MR. MAESE) So let me -- allow me
17 to rephrase this.

18 Yes or no, did you have any objective
19 reason to believe that someone else was in the home?

20 MR. YOUNG: Same objection and vague.

21 You can answer.

22 **A. You when you say "objective," I'm not**
23 **sure I understand exactly what you're asking for.**

24 Q. (BY MR. MAESE) I'm saying did you hear
25 a voice? Did you see a shadow? Did you -- did the

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1 complainant say, There's another person in the home?
2 Did you have any sort of objective, third-party
3 reason to believe that someone else was in the home?

4 **A. I had concerns there might be due to**
5 **the totalities of the entire scene --**

6 Q. Right, right, right. I understood --

7 **A. -- and the information that I had --**

8 Q. I understood your -- I understood your
9 answer, and, again, I'm asking you, yes or no, did
10 you have objective reason to believe someone else was
11 in the home?

12 MR. YOUNG: Same objections. And you
13 need to let him finish his answer.

14 MR. MAESE: Well, I limited my -- I
15 limited his answer to yes or no. Instruct your
16 client to answer the question as asked, please.

17 MR. YOUNG: No. It may not be a
18 yes-or-no answer, even if you've asked it that way.
19 So --

20 MR. MAESE: Well, it -- it could -- it
21 would either be yes, no, I don't know, or -- or
22 something -- it's not going to be -- it's not going
23 to be an expounding answer. It is a yes-or-no answer
24 the way I've asked it.

25 MR. YOUNG: Either way, you and I and

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1 he can't talk over each other. It's really hard for
2 the court reporter. So --

3 MR. MAESE: Fair enough. Please
4 instruct your client to answer the question I've
5 asked.

6 MR. YOUNG: You can ask the question.
7 I'm not going to -- I'm not -- you're not entitled to
8 instruct me what to talk to my client about, and --

9 MR. MAESE: I'm not instructing you.
10 I'm asking you a question. I'm asking if you would.

11 MR. YOUNG: You're interrupting me
12 again. You're entitled to ask a question. Go ahead
13 and ask it. He'll answer it to the best of his
14 ability.

15 MR. MAESE: Okay.

16 Q. (BY MR. MAESE) Sergeant Kaer, please
17 limit your answer to a yes or no. Was there any
18 objective indicia that other people remained in the
19 residence?

20 MR. YOUNG: Same objections.
21 You can answer.

22 **A. I'm not understanding exactly what --**
23 **the specific objectives you're requesting.**
24 **Totalities of the situation led me to believe I did**
25 **not know, and I had concerns.**

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1 Q. (BY MR. MAESE) But your concerns
2 weren't based on something you can articulate other
3 than just this vague totality of circumstances?

4 **A. It wasn't a vague totality.**

5 Q. All right. Well, what was the
6 specifics that led you to believe someone else was in
7 the home?

8 **A. Due to the immense damage done to our**
9 **victim and the type of crime and the investigation**
10 **of a horrendous domestic leading into the**
11 **uncooperativeness and inability to be able to contact**
12 **the individual through the most -- lowest and most**
13 **safest means, by phone, and in the preservation of**
14 **life and preservation of the scene, yeah, I think I**
15 **had a lot of information there I didn't have answers**
16 **to.**

17 **And to verify and to make sure that my**
18 **officers are safe, that my public is safe, and that**
19 **the scene is secured and evidence is maintained until**
20 **investigations can come, I would have to say, under**
21 **the totalities, it would be very specific.**

22 Q. Okay. So are you saying that the
23 amount of damage done to the complainant was, in your
24 experience, something that could only be done by
25 multiple people? One person could not have inflicted

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1 that kind of damage?

2 **A. No. What I'm saying is I've not seen,**
3 **in 25 years, an individual take that much damage and**
4 **still be conscious enough and awake and have that**
5 **many horrific things done.**

6 Q. So one person could inflict that much
7 damage on another person?

8 **A. I don't know. That would take the**
9 **investigation to be completed in its totality to make**
10 **that determination.**

11 Q. Okay. Let me ask you this: Had
12 officers under your command refused to enter the
13 home, refused to do a protective sweep, what would
14 have happened to them?

15 **A. Nothing.**

16 Q. Nothing? No discipline whatsoever?

17 **A. No.**

18 Q. So you don't discipline your officers
19 for insubordination?

20 **A. I think your definition of**
21 **insubordination and mine are on two totally**
22 **different realms.**

23 Q. Well, by all means, please tell me what
24 your definition of insubordination is, because I
25 think -- I think we both speak the English language

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1 and insubordination has one definition, but I could
2 be wrong.

3 **A. Insubordination is connected to a**
4 **supervisor -- a superior who makes a determination at**
5 **what point that it becomes that.**

6 I have open conversation, and I would
7 hope that my officers and my superiors would be open
8 to complete conversation of which I'll never put
9 anybody into a spot that they don't feel comfortable,
10 whether it be for their own personal beliefs or their
11 own safety.

12 Q. Have you ever disciplined an officer
13 for insubordination?

14 **A. No.**

15 Q. Have you ever had an officer be
16 insubordinate?

17 **A. Not in my opinion.**

18 Q. Okay. Are you aware of any instance
19 where South Jordan PD has disciplined an officer for
20 insubordination?

21 **A. It's not in my wheelhouse. I wouldn't**
22 **know.**

23 Q. Okay. Fair enough.

24 Have you been given training on the
25 Fourth Amendment?

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1 **A. Yes.**

2 Q. And what has your training taught you
3 as far as what amounts to exigent circumstances to
4 enter a home without a warrant?

5 MR. YOUNG: Objection.

6 **A. As for the portions of a warrant with**
7 **search?**

8 MR. YOUNG: Vague, calls for a legal
9 conclusion.

10 You can answer.

11 **A. Would you define which part of the**
12 **Fourth Amendment you're asking about?**

13 Q. (BY MR. MAESE) The entire amendment.
14 I just want to know your training on it. And I think
15 I already told you, as far as entering a home,
16 exigent circumstances to enter a home.

17 **A. Under this specific situation, what**
18 **we're dealing with? Are you asking --**

19 Q. No. I'm asking what your training is,
20 the totality of your training in 25 years, as far as
21 what you've been taught are exigent circumstances
22 that allow you to enter a home without a warrant.

23 **A. Well, it would be for the saving of**
24 **lives and then the exigent circumstance of fresh**
25 **pursuit.**

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1 Q. Okay. So ignorance is not an exigent
2 circumstance?

3 A. Not that I'm aware of.

4 Q. Okay. Give me just one moment, please.
5 All right. Back. Sergeant Kaer, did
6 you enter my home?

7 A. I did.

8 MR. MAESE: Okay. And if we go back to
9 this 705, Scott, if we could get to about 28:50.

10 MR. YOUNG: Sorry, what did you say,
11 Steve?

12 MR. MAESE: 28:50.

13 MR. YOUNG: Okay.

14 (The video was played.)

15 MR. MAESE: And if you could turn the
16 volume up on here. There's audio and video.

17 MR. YOUNG: Yeah. Okay. Okay. It's
18 starting 28:49.

19 MR. MAESE: Good enough.

20 (The video was played.)

21 MR. MAESE: All right. Go ahead, we
22 can pause it.

23 MR. YOUNG: (Complied.)

24 Q. (BY MR. MAESE) Sergeant Kaer, is that
25 your voice?

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1 **A. No.**

2 Q. Who is that?

3 **A. That would be Officer Talbot.**

4 Q. All right. Officer Talbot. Who is
5 present in that frame there? What officers are
6 present there?

7 **A. Well, just off my quick memory of that**
8 **was Officer Weeks and Officer Talbot. I'm not quite**
9 **sure because I wasn't paying attention to the officer**
10 **that was in front of Officer Talbot.**

11 Q. Okay. So it's Officer Serrano's body
12 cam, and are you in that frame, then?

13 **A. I don't know. You'd have to replay it,**
14 **and I'd have to look for myself.**

15 Q. All right.

16 **A. This isn't a vantage point I'm familiar**
17 **with.**

18 Q. I understand.

19 MR. MAESE: Scott, could you rewind
20 that the ten seconds just so we can see -- identify
21 who's there?

22 MR. YOUNG: Sure. Yeah.

23 (The video was played.)

24 MR. MAESE: Can you pause it right
25 there?

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1 MR. YOUNG: Sorry. A little slow.

2 MR. MAESE: If you could just rewind it
3 just so the three officers are in the frame so we can
4 identify all three of them.

5 MR. YOUNG: Yeah. For the record, this
6 is at 28:55 of Defendants' 705.

7 MR. MAESE: All right.

8 Q. (BY MR. MAESE) Sergeant Kaer, who do
9 you see in the frame here?

10 A. Going from left to right, it would be
11 Officer Weeks, Officer Talbot, Officer Bills.

12 Q. All right. Perfect. Perfect. I
13 appreciate that. Thank you very much. Hold on one
14 second here.

15 And that's Officer Talbot's voice that
16 is listing off firearms?

17 A. Well, he also listed off a baseball
18 bat, if I remember right.

19 Q. Yes, but that is Officer Talbot's
20 voice, correct?

21 A. Yes.

22 Q. All right. Thank you. Sorry. Give me
23 one more second here. I'm just loading up a
24 document.

25 MR. YOUNG: Do you want me to get off

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1 share, Steve, so you can share?

2 MR. MAESE: Sure, that would be great.

3 MR. YOUNG: Steve, should we make this
4 Exhibit 1, this 705?

5 MR. MAESE: Sure, that would be great.
6 Let's do that.

7 MR. YOUNG: We'll get it to the court
8 reporter.

9 MR. MAESE: Forgive me; I don't use
10 Zoom a lot. I use Teams. So I'm not entirely
11 familiar with --

12 MR. YOUNG: Down at the bottom, there
13 should be a button in the middle that says "share
14 screen." If you click on that, it should show all
15 your computer screens, and you can choose which one
16 to share.

17 MR. MAESE: Right. I've got you right
18 now in a little, tiny window. There we go. All
19 right. Share screen. Perfect.

20 We can make this Exhibit 2, which is
21 Defendants' 870 through 876.

22 Q. (BY MR. MAESE) This appears to be
23 staff meeting minutes from November 12, 2019. You
24 are listed as attending, Sergeant Kaer.

25 Do you have any recollection of this

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1 meeting?

2 **A. As a specific? Not off the top of my**
3 **head, no, sir.**

4 Q. All right. Well, let me scroll down
5 here to 874 under Major Case Review. Can you see
6 that?

7 **A. Yes.**

8 Q. All right. So it says, Maese Case: We
9 are going to lose all gun charges due to protective
10 sweep being a violation of the Fourth Amendment.

11 Do you recall that being said in this
12 meeting?

13 **A. I'm reading it in there. I'm going to**
14 **say it was definitely there, so, yes, we would have**
15 **talked about it.**

16 Q. Right, but I'm just asking if you
17 recall being in that meeting.

18 **A. It's been a couple of years. As far as**
19 **remembering who even said it, who is talking, I**
20 **couldn't even tell you.**

21 Q. There is no shame in not remembering
22 what happened two years ago. If you don't remember,
23 you don't remember.

24 **A. Yeah. I mean -- yes, it would have**
25 **been something we went through in our staff meeting.**

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1 We're very thorough in our notes for what we went
2 over.

3 So was that something we went over that
4 day? If that's a copy of our staff notes, yes,
5 that's what we went over that day.

6 Q. All right. Well, typically speaking,
7 who gives these types of conclusions, these legal
8 conclusions, to officers -- well, to sergeants?

9 A. As far as who would have made those
10 comments that were documented in the notes?

11 Q. Correct.

12 A. I -- I don't know because it could have
13 been any -- it could have been anybody from the
14 sergeant over investigations to the lieutenant over
15 investigations, or it could have been any other
16 lieutenant or the deputy chief or chief, depending on
17 who had the specifics. Normally, it is either the
18 lieutenant or sergeant over the investigations unit.

19 Q. All right. Is that who handles the
20 major cases?

21 A. The investigations division?

22 Q. Correct.

23 A. Yes.

24 Q. All right. Could you give me the name
25 of the sergeant and the lieutenant over that?

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1 **A. Currently?**

2 Q. Or at that time in 2019.

3 **A. 2019? I would have to guess, to be**
4 **honest with you. I believe --**

5 Q. Hold on. So there's a -- there's a
6 list, real quickly, of the attendees there. I don't
7 know if that helps.

8 **A. The -- at the time, if I remember**
9 **correctly -- and I'm just going off -- guessing,**
10 **actually -- I believe the lieutenant at the time was**
11 **Lieutenant Pennington, and I think the sergeant at**
12 **the time was Sergeant Phillips.**

13 Q. Okay. So, generally speaking, it would
14 have been either Sergeant Phillips, although it
15 doesn't look like he attended this particular
16 meeting, Lieutenant Pennington, or Deputy Chief
17 Knight?

18 **A. Those are -- on the normal, yes.**

19 Q. Okay. All right. Perfect.

20 So are you still currently over graves?

21 **A. Yes, sir.**

22 Q. All right. I understand that
23 Officer Andrew Thompson has recently been terminated;
24 is that correct?

25 **A. I know he no longer works with us, yes.**

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1 Q. Well, was he under your command? I
2 understand he's also worked graves recently.

3 A. No, he hasn't been under my shift for a
4 bit.

5 Q. I received an e-mail from Scott saying
6 that one of the reasons we had to hold these
7 depositions now is because of graveyards.

8 A. The graveyard shift is me. I got off
9 work last night -- or this morning at 0600, and then
10 I had about an hour drive. And I'm here now, and I
11 work tonight. So I'm the graveyard guy.

12 Q. Are you -- you're the only one?
13 There's no officers underneath you?

14 A. I'm the only graveyard guy involved in
15 this currently.

16 Q. All right. When did Officer Thompson
17 last work under you?

18 A. To be honest with you, I do not know.

19 Q. Was it more than 30 days ago?

20 A. Oh, yeah.

21 Q. All right. Fair enough.

22 And you have not been -- nobody has
23 told you why Officer Thompson was terminated?

24 A. We've not been given details to the
25 situation due to it being an internal investigation

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1 **for whatever reason, and --**

2 Q. Okay. Well, what gossip -- what gossip
3 have you heard?

4 MR. YOUNG: Objection. Foundation,
5 hearsay.

6 What does this have to do with the
7 case?

8 MR. MAESE: I'm trying find out what
9 the practices of South Jordan are as far as their
10 discipline. And one of the things that I need to
11 talk about is show that South Jordan doesn't regard
12 civil rights very highly and that they just let
13 things permeate.

14 So I'm just curious, if we're not
15 making examples of people, that might go to show that
16 we don't -- we don't really care what their conduct
17 is.

18 MR. YOUNG: Well, the gossip, whatever
19 that means, that he's heard, doesn't really relate to
20 that.

21 MR. MAESE: Well, I -- I understand
22 that you're using the literal definition of gossip.
23 I'm trying to use something as vague as possible
24 because Sergeant Kaer said he doesn't know the
25 specifics.

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1 So I guess I'm trying to -- I'm trying
2 to ascertain the depth of his knowledge, because it
3 seems to be evasive, his answer.

4 MR. YOUNG: You can answer. You can
5 answer.

6 **A. Mr. Maese, my suggestion for you in a**
7 **situation like this, because knowing when I have**
8 **worked with Mr. Thompson, would be to ask**
9 **Mr. Thompson.**

10 Q. (BY MR. MAESE) But I'm not asking
11 Mr. Thompson; I'm asking you what you heard.

12 **A. That he no longer works with us.**

13 Q. What is the reason that you've heard
14 that he's no longer with South Jordan?

15 MR. YOUNG: Same objections.

16 **A. I don't have any specifics.**

17 Q. (BY MR. MAESE) I understand you don't
18 have any specifics. What generalities, what gossip
19 have you heard?

20 **A. I don't spread gossip, sir. I work in**
21 **a matter of facts and information that's tangible.**

22 Q. I have not accused -- I have not
23 accused you of spreading gossip. I'm asking you what
24 gossip you've heard.

25 MR. YOUNG: Can I just get in a

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1 standing objection to this line of questioning?

2 MR. MAESE: You can.

3 MR. YOUNG: Thanks. For the reasons
4 I've already stated.

5 Go ahead.

6 A. All I know is that he got in -- into
7 some trouble, was -- had an internal investigation
8 done, of which his employment was terminated.

9 Q. (BY MR. MAESE) So what you're telling
10 me, for the record, under oath, is you heard
11 absolutely no reasons, factual reasons, regarding his
12 termination?

13 A. All we've heard of is tell the truth,
14 be honest, stay in front of your stuff, and when
15 you're asked for paperwork, give it.

16 Q. Okay. But I'm asking you specifically
17 about Officer Thompson. You're telling -- you're
18 saying --

19 A. That's what -- that's what I just gave
20 you.

21 Q. Okay. I will ask one more time, okay?
22 What have you heard are the -- is the factual basis
23 of Officer Thompson's termination?

24 A. I don't have any facts. That would
25 be -- that would be -- that's -- under an internal,

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1 **those -- those facts are not given to us. Facts**
2 **are --**

3 Q. And I understand it might not be
4 public. I'm just asking what you've heard. I'm just
5 asking what you've heard.

6 **A. Well, "heard" and "facts" are two**
7 **different things. You're asking me for heard facts.**
8 **I don't have any.**

9 Q. Okay. Well, what reasons have you
10 heard that Officer Thompson was terminated?

11 **A. It is best to always maintain and give**
12 **the information that you're being requested for by**
13 **your superiors.**

14 Q. Okay. So you're -- so what you heard
15 is that Officer Thompson was not truthful with his
16 superiors?

17 **A. I don't know if it had to do with --**

18 MR. YOUNG: Objection.

19 Hold on, Travis. Hold on.

20 Misstates the testimony.

21 You can answer.

22 Q. (BY MR. MAESE) I'm sorry, Sergeant. I
23 didn't hear your answer.

24 **A. I don't know what specifics it was.**
25 **It's -- the generalized thing when people get in**

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1 trouble in our line of work and they end up losing
2 their jobs is to remind people to own what you do,
3 stay timely with the information requested of you
4 when you -- when it's needed, and communicate with
5 your superiors on situations that you have going on.

6 Q. All right.

7 A. The specifics to his -- the facts of
8 his situation, I don't have any. I haven't even
9 talked to the poor man.

10 Q. Have you heard of any reason why
11 Officer Thompson was fired? Yes or no, please.

12 A. Well, I've heard he's fired, yes.

13 Q. Have you heard any reason that
14 Officer Thompson was fired? Yes or no.

15 A. That he was investigated in a situation
16 that had been going on. And due to that situation
17 and -- just whatever they had going on, that he was
18 terminated.

19 Q. Have you heard -- without vouching for
20 the truthfulness of what you heard, have you heard
21 what the situation was?

22 A. That it had something to do with an
23 injury that he was dealing with.

24 Q. Okay. So it was injury-related. All
25 right. Perfect.

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1 **A. I don't know.**

2 Q. No, no. I get it. I -- no, I'm not
3 holding this to you as gospel. I'm not -- I'm not
4 saying that, you know, you are the arbiter of what
5 happened. I'm just getting that you heard that it
6 was due to an injury. So . . .

7 MR. YOUNG: Objection. Misstates the
8 testimony.

9 Q. (BY MR. MAESE) After -- let's go back
10 to the video for a second. After the video, after
11 you exited my home, did you take any steps to secure
12 the scene for evidence?

13 **A. If I'm understanding what your question**
14 **is correctly, we held the door. I kept an officer on**
15 **scene, and we waited until the warrant was ready.**

16 Q. Okay. Did you have any hand in
17 drafting the warrant?

18 **A. No.**

19 Q. All right. But you were -- you were
20 the one who decided to do the protective sweep,
21 correct?

22 **A. Yes.**

23 Q. And at the time you ordered the
24 protective sweep, you did not mention a thing
25 about evidence or evidence preservation; is that

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1 correct?

2 MR. YOUNG: Objection. Vague.

3 You can answer.

4 A. As far as any specifics, not that I
5 recall. I don't know.

6 Q. (BY MR. MAESE) Well, you were there.
7 You were present. Did you -- did you use the word
8 "evidence" once before entering the home?

9 A. I honestly do not know. Again, we're
10 back to a case that's two years old.

11 Q. I understand that, but I have a video
12 recording of you saying, Time to do a sweep, and you
13 don't use the word "evidence" at all.

14 So what you're telling me is, as of
15 today, you don't remember having an evidentiary
16 concern two years ago?

17 A. Oh, no, I -- I had those concerns, but
18 those were my concerns.

19 Q. But you -- all right. A distinction
20 with a slight difference. You never voiced those
21 concerns to anyone?

22 A. I don't know if I did or not, because
23 when we have officer-to-officer conversations, those
24 aren't always a recorded fact.

25 Q. Okay. Did you document any evidentiary

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1 concerns in your reports?

2 **A. Not that I recall.**

3 Q. Okay. And there was nothing on the
4 body cam where you talked about evidence; is that
5 correct?

6 **A. Again, I don't know. All I had was my**
7 **body cam.**

8 MR. MAESE: Okay. All right. I think
9 that about does it. Thank you very much.

10 MR. YOUNG: Hold on. I may have a
11 couple questions. Let's take a two-, three-minute
12 break, okay?

13 MR. MAESE: Sounds good.

14 MR. YOUNG: Okay. Thanks.

15 (Recess from 1:10 p.m. to 1:13 p.m.)

16 MR. MAESE: And, actually, I do -- I do
17 have one other question that I want to ask.

18 MR. YOUNG: Why don't you go ahead.
19 I've got, like, two questions.

20 MR. MAESE: Okay.

21 MR. YOUNG: So you can finish, and then
22 I'll go.

23 MR. MAESE: Okay. Perfect.

24 Q. (BY MR. MAESE) Sergeant Kaer --

25 **A. Yes, sir.**

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1 Q. -- have you been disciplined in any
2 regards to the incident at my home?

3 A. No, sir.

4 Q. Have you ever been disciplined for any
5 sort of civil rights violation by South Jordan PD?

6 A. No.

7 MR. YOUNG: Objection. Vague.
8 You can answer.

9 A. No.

10 Q. (BY MR. MAESE) Are you aware of any
11 other officer who has been disciplined for a civil
12 rights violation?

13 MR. YOUNG: Same objection. You can
14 answer.

15 A. Not that I'm aware of at this moment,
16 no.

17 MR. MAESE: All right. That's it.
18 Thank you so much.

19 EXAMINATION

20 BY MR. YOUNG:

21 Q. Sergeant Kaer, just a couple of
22 questions.

23 Mr. Maese asked you what you did to
24 secure the home, and you used two phrases, "held the
25 door" and "kept an officer on scene."

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1 Can you just describe what you meant by
2 those phrases?

3 A. Yeah. I -- I pulled -- we pulled the
4 door -- somebody did. The door was pulled shut. And
5 then there was an officer in his vehicle sitting at
6 the bottom of the street directly in front of the
7 house to maintain security on the home, to make sure
8 nobody else went in through that door.

9 MR. YOUNG: Okay. I don't have
10 anything else.

11 So we'll read and sign, and let's go
12 off the record.

13 WHEREUPON, the foregoing deposition was
14 concluded at the hour of 1:15 p.m. on March 2, 2022.

15 (Exhibit 2 was marked after the
16 conclusion of the deposition.)

17 * * * *

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March 2, 2022

Case: Maese v. South Jordan City, et al.
Date: March 2, 2022
Reporter: Jill S. Nielsen, Q&A Reporting, Inc.
1872 South Main Street, Salt Lake City, Utah 84115

WITNESS CERTIFICATE

I, SERGEANT TRAVIS KAER, HEREBY DECLARE
UNDER PENALTY OF PERJURY: That I am the witness
referred to in the transcript; that I have read the
transcript and know the contents thereof; that with
these corrections, I have noted this transcript truly
and accurately reflects my testimony.

PAGE	LINE	CHANGE/CORRECTION	REASON
_____	_____	_____	_____
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_____ No corrections were made

Executed on this _____ day of _____, 2022.

SERGEANT TRAVIS KAER

S. STEVEN MAESE v.
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Travis Kaer
March 2, 2022

REPORTER'S CERTIFICATE

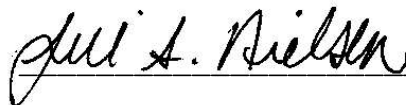
I, JILL S. NIELSEN, do hereby certify that I am a Registered Professional Reporter and Notary Public; that previous to the commencement of the examination, the witness was duly sworn by me to testify to the truth.

I further certify this deposition was taken in shorthand by me at the time and place herein set forth, and that it was thereafter reduced to typewritten form, and that the foregoing constitutes a true and correct transcript.

I further certify that I am not related to, employed by, nor of counsel for any of the parties or attorneys herein, nor otherwise interested in the result of the within action.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this 10th day of March, 2022.

My commission expires July 7, 2023.

A handwritten signature in cursive script, reading "Jill S. Nielsen", is written over a horizontal line.

JILL S. NIELSEN, RPR

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